

# EXHIBIT 5

| <b>ANDERSON<br/>ORIGINAL<br/>COMPLAINT<br/>(ECF 1)</b>  | <b>ANDERSON<br/>AMENDED<br/>COMPLAINT<br/>(ECF 47)</b>   | <b>PARTIES TO<br/>THE<br/>AMENDED<br/>COMPLAINT</b> | <b>CLAIMS<br/>DISMISSED<br/>OR<br/>SURVIVED<sup>1</sup></b> | <b>CLAIMS<br/>SURVIVED<br/>&amp;<br/>DEFENDANTS</b>                   |
|---|--|---|---|---|
| (¶¶ 1 to 162)<br>Factual<br>Allegations   | (¶¶ 1 to 145)<br>Factual Allegations   | Mensah,<br>Weber, CVMIC<br>& City <sup>2</sup>      |   |   |
| Claim 1<br>42 U.S.C. § 1983<br>4 <sup>th</sup> Amendment<br>Excessive Force<br>(¶¶ 163 to 188)<br>(Answered)                    | Claim 1<br>42 U.S.C. § 1983 –<br>4 <sup>th</sup> Amendment<br>(¶¶ 146 to 172)<br>Excessive Force<br>(No answer)                    | PL - Estate<br><br>DF - Mensah,<br>Weber, & City    | Survived <sup>3</sup>                                       | Claim 1<br>Excessive Force<br><br>Mensah, Weber,<br>& City            |
| Claim 2<br>42 U.S.C. § 1983<br>14 <sup>th</sup> Amendment<br>Denial of Equal<br>Protection<br>(¶¶ 189 to 209)<br>(Answered)     | Claim 3<br>42 U.S.C. § 1983 –<br>14 <sup>th</sup> Amendment<br>Denial of Equal<br>Protection<br>(¶¶ 186 to 206)<br>(No answer)     | PL - Estate<br><br>DF - Mensah,<br>Weber, City      | Survived <sup>4</sup>                                       | Claim 3<br>Equal Protection<br><br>Mensah & City                      |
| Claim 3<br>42 U.S.C. § 1983<br>4 <sup>th</sup> Amendment<br>Loss of Society &<br>Companionship<br>(¶¶ 210 to 217)<br>(Answered) | Claim 4<br>42 U.S.C. § 1983 –<br>4 <sup>th</sup> Amendment Loss<br>of Society &<br>Companionship<br>(¶¶ 207 to 214)<br>(No answer) | PL – J.A.<br><br>DF - Mensah,<br>Weber, & City      | Dismissed<br>(Weber)<br><br>Survived<br>(Mensah &<br>City)  | Claim 4<br>Loss of Society<br>&<br>Companionship<br><br>Mensah & City |

<sup>1</sup> See Anderson 21-cv-1179 ECF 56; Cole 22-cv-856 ECF 25;

<sup>2</sup> CVMIC became a party in the Amended Complaint (Anderson ECF 47) but was not a party in the original complaint. See Anderson ECF 1

<sup>3</sup> Defendants did not move to dismiss Mensah and the City of City from the Amended Complaint. See Anderson ECF 50 & 51.

<sup>4</sup> Parties stipulated that Weber be dismissed from this claim.

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| Claim 4<br>Wisconsin Statute<br>Section 895.46<br>Indemnification<br>(¶¶ 218 to 230)<br>(Answered)<br><br>Barry, Mensah,<br>and City | Claim 7<br>Wisconsin Statute<br>Section 895.46<br>Indemnification<br>(¶¶ 232 to 244)<br><br>Barry, Mensah,<br>CVMIC & City<br>(No answer) | PL - ALL<br><br>DF - Weber,<br>Mensah,<br>CVMIC, & City | Survived <sup>5</sup> | Claim 7<br>Wisconsin<br>Statute Section<br>895.46<br>Indemnification<br>(PL – J.A.)<br><br>Weber, Mensah,<br>CVMIC, & City |
|  | Claim 2<br>42 U.S.C. § 1983 –<br>14 <sup>th</sup> Amendment<br>Failure to Train and<br>Supervise<br>(¶¶ 173 to 186)<br>(No answer)        | PL – ALL<br><br>DF – Weber &<br>City                    | Survived              | Claim 2<br>14 <sup>th</sup> Amendment<br>Failure to Train<br>& Supervise<br><br>City & Weber                               |
|  | Claim 5<br>Monell Claim<br>(¶¶ 215 to 224)<br>(No answer)   | PL – ALL<br><br>DF - City                               | Survived              | Claim 5<br>Monell<br><br>City  |
|  | Claim 6<br>42 U.S.C. 1983 -<br>Deliberate<br>Indifference<br>(¶¶ 225 to 231)<br>(No answer)   | PL – ALL<br><br>DF – Weber &<br>City                    | Dismissed             | Claim 6<br><br>Dismissed   |
|  | Claim 8<br>Direct Action Statute<br>Wis. Stat. § 632.24<br>(¶¶ 245 to 248)<br>(No answer)   | PL – ALL<br><br>DF - CVMIC                              | Dismissed             | Claim 8<br><br>Dismissed   |
|  | Claim 9<br>Loss of Society &<br>Companionship<br>(¶¶ 249 to 255)<br>(No answer)   | PL – Estate of<br>Anderson                              | Dismissed             | Claim 9<br><br>Dismissed   |

<sup>5</sup> J.A. survived this claim, and the Estate was dismissed from this claim. Anderson, ECF 56; Cole 22-cv-0856, ECF 25.

| <b>COLE<br/>ORIGINAL<br/>COMPLAINT<br/>(ECF 1)</b>   | <b>COLE<br/>AMENDED<br/>COMPLAINT<br/>(ECF 20)</b>   | <b>PARTIES TO<br/>THE<br/>AMENDED<br/>COMPLAINT<br/>(ECF 20)</b> | <b>CLAIMS<br/>DISMISSED<br/>OR<br/>SURVIVED<sup>1</sup></b>             | <b>CLAIMS<br/>SURVIVED<br/>&amp;<br/>DEFENDANTS</b>  |
|--|--|--|---|--|
| (¶¶ 1 to 128)<br>Factual Allegations   | (¶¶ 1 to 158)<br>Factual Allegations   | Mensah,<br>Weber, CVMIC<br>& City                                |   |  |
| Claim 1<br>42 U.S.C. § 1983<br>4 <sup>th</sup> Amendment<br>Excessive Force<br><br>(¶¶ 129 to 144)<br>(No answer)                    | Claim 1<br>42 U.S.C. § 1983<br>4 <sup>th</sup> Amendment<br>Excessive Force<br><br>(¶¶ 159 to 176)<br>(No answer)                    | PL - Estate<br><br>DF - Mensah,<br>Weber, & City                 | Survived <sup>2</sup>   | Claim 1<br>Excessive Force<br><br>Mensah, Weber,<br>& City                                   |
| Claim 2<br>42 U.S.C. § 1983<br>14 <sup>th</sup> Amendment<br>Failure to Train<br>and Supervise<br><br>(¶¶ 145 to 158)<br>(No answer) | Claim 2<br>42 U.S.C. § 1983<br>14 <sup>th</sup> Amendment<br>Failure to Train and<br>Supervise<br><br>(¶¶ 177 to 196)<br>(No answer) | PL – Estate<br><br>DF – Weber &<br>City                          | Survived  | Claim 2<br>14 <sup>th</sup> Amendment<br>Failure to Train<br>& Supervise<br><br>City & Weber |
| Claim 3<br>42 U.S.C. § 1983<br>14 <sup>th</sup> Amendment<br>Denial of Equal<br>Protection<br><br>(¶¶ 159 to 175)<br>(No answer)     | Claim 3<br>42 U.S.C. § 1983 –<br>14 <sup>th</sup> Amendment<br>Denial of Equal<br>Protection<br><br>(¶¶ 197 to 209)<br>(No answer)   | PL - Estate<br><br>DF – Weber,<br>City, CVMIC, &<br>Mensah       | Survived <sup>3</sup><br><br>Dismissed<br>CVMIC <sup>4</sup> &<br>Weber | Claim 3<br>Equal Protection<br><br>Mensah & City   |
| Claim 4<br>Monell Claim<br><br>(¶¶ 176 to 185)<br>(No answer)  | Claim 4<br>Monell Claim<br><br>(¶¶ 210 to 223)<br>(No answer)  | PL – ALL<br><br>DF - City  | Survived <sup>5</sup>   | Claim 5<br>Monell<br><br>City  |
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<sup>1</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>2</sup> Defendants did not move to dismiss Mensah and the City from the Amended Complaint for this claim. See Cole ECF 21.

<sup>3</sup> Parties stipulated that Weber be dismissed from this claim.

<sup>4</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>5</sup> Defendants did not move to dismiss this claim. See Cole ECF 21.

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| <p>Claim 5<br/>42 U.S.C. 1983<br/>Deliberate<br/>Indifference</p> <p>(¶¶ 186 to 192)<br/>(No answer)</p>           | <p>Claim 5<br/>42 U.S.C. 1983<br/>Deliberate<br/>Indifference</p> <p>(¶¶ 224 to 231)<br/>(No answer)</p>           | <p>PL – ALL</p> <p>DF – Weber &amp;<br/>City</p>   | Dismissed  | <p>Claim 6</p> <p>Dismissed</p>  |
| <p>Claim 6<br/>Wisconsin Statute<br/>Section 895.46<br/>Indemnification</p> <p>(¶¶ 193 to 204)<br/>(No answer)</p> | <p>Claim 6<br/>Wisconsin Statute<br/>Section 895.46<br/>Indemnification</p> <p>(¶¶ 232 to 244)<br/>(No answer)</p> | <p>PL - ALL</p> <p>DF - Weber,<br/>Mensah,<br/>CVMIC, &amp; City</p>                         | <p>Survived<sup>6</sup></p> <p>Dismissed<br/>CVMIC per<br/>Court<sup>7</sup></p> | <p>Claim 7<br/>Wisconsin<br/>Statute Section<br/>895.46<br/>Indemnification</p> <p>Weber, Mensah,<br/>&amp; City</p> |
| <p>Claim 7<br/>Direct Action<br/>Statute<br/>Wis. Stat. § 632.24</p> <p>(¶¶ 205 to 208)<br/>(No answer)</p>        | <p>Claim 7<br/>Direct Action<br/>Statute<br/>Wis. Stat. § 632.24</p> <p>(¶¶ 245 to 248)<br/>(No answer)</p>        | <p>PL – ALL</p> <p>DF - CVMIC</p>  | Dismissed  | <p>Claim 8</p> <p>Dismissed</p>  |
| <p>Claim 8<br/>Loss of Society &amp;<br/>Companionship</p> <p>(¶¶ 209 to 214)<br/>(No answer)</p>                  | <p>Claim 8<br/>Loss of Society &amp;<br/>Companionship</p> <p>(¶¶ 249 to 254)<br/>(No answer)</p>                  | <p>PL – Tracy &amp;<br/>Albert Cole</p> <p>DF - Weber,<br/>Mensah,<br/>CVMIC, &amp; City</p> | Survived <sup>8</sup>  | <p>Claim 9<br/>Loss of Society<br/>&amp;<br/>Companionship</p> <p>Weber, Mensah,<br/>CVMIC, &amp; City</p>           |

<sup>6</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>7</sup> *Id.*

<sup>8</sup> Defendants did not move to dismiss this claim. See Cole ECF 21.